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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,577	02/11/2004	Douglas Stewart	5-0233-001	2788
803	7590	05/13/2005		
STURM & FIX LLP 206 SIXTH AVENUE SUITE 1213 DES MOINES, IA 50309-4076			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary**Application No.**

10/776,577

Applicant(s)

STEWART, DOUGLAS

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-5, 13, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Grady et al. (US 6,357,344). O'Grady is considered to show the claimed invention comprising:

a generally rectangular cooking grill base member dimensioned to distinguishably support, fit beneath, and project beyond the outer periphery of an outdoor cooking grill

a rear wall member hingedly connected to said base member wherein, the rear wall member has the same general dimensions as said base member

a pair of side wall members wherein, each side wall member is hingedly connected to a selected one of the rear wall member and the base member in figures 2A and 8A. It is considered an inherent feature that O'Grady teaches the claimed fireproof and heat proof materials, since the cooking device disclosed by O'Grady would have to be fireproof and heat proof in order to function as a cooking grill. O'Grady is also considered to disclose the claimed aluminum sheet fabrication material at column 2 line 22 and to show releasable securing means for upright positioning in figure 2D.

Claim Rejections - 35 USC § 103

Claims 6-9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Grady in view of Andress (US 5,823,174). O'Grady is considered to disclose the

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claimed invention, as discussed above under the anticipatory rejection, except for the claimed gas line opening. Andress, another cooking screen, is considered to disclose gas line opening at column 3 lines 7-19. It would have been obvious to one skilled in the art to provide the teachings of O'Grady with gas line opening, considered taught by Andress, for the purpose of allowing an alternative source of cooking heat.

Claims 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Grady in view of Chuanico (US 3,141,568). O'Grady is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed alignable handle apertures. Chuanico, another cooking screen, is considered to disclose alignable handle apertures at column 2 lines 24-52. It would have been obvious to one skilled in the art to provide the teachings of O'Grady with alignable handle apertures, considered taught by Chuanico, for the purpose of preventing environmental interference with the cooking surface while at the same time allowing ease of use.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ^{Monica Carter} ~~Mr. S. Lazarus~~ can be reached on 571 272 ⁴⁴⁷⁵ ~~4877~~. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
May 11, 2005

Stephen Gravini